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December 14, 2007

A suggestion of settlement having been made, this case is dismissed, subject to restoration by either party within 30 days on notice. All pending court dates are cancelled. The Clerk is directed to close the case.

Hon. Alvin K. Hellerstein
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1050
New York, NY 10007



Alvin K. Hellerstein, U.S.D.J.

Date: 12-19-07

Re: ***Benitez v. Lemle & Wolff, Inc., et al.***
Docket No. 07-CV-2919 (AKH)

Dear Judge Hellerstein:

As you are aware, jointly with Howard Rothschild, this law firm represents the Defendants in the above-referenced matter. On November 6, 2007, the Court referred this matter to Magistrate Judge James Francis for the purposes of settlement.

On December 12, 2007, the parties appeared before Judge Francis and with his aid, the parties have reached a two-part settlement. The main settlement allows Plaintiff time to investigate any potential pension-related claims he may have against the Defendants for a period of 30 days, beginning on December 12th. At the end of the 30 days, the Plaintiff will execute a general release, if he concludes that he does not have any pension-related claims against Defendants. If, however, Plaintiff concludes that he has claims related to his pension, against Defendants, he will execute only a limited release, which will not include any of the pension-related claims. At that time, Defendants will have the opportunity to accept the limited release or to reject the settlement. The secondary settlement provides for Plaintiff to vacate the superintendent's apartment in the building by the end of this month and receive a monetary settlement, that is not contingent on the release of his pension-related claims.

Accordingly, based upon the settlement reached by the parties, the parties respectfully request a 30-day stay of the action.

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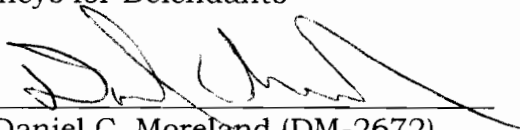
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Thank you for your attention to this matter. If you have any questions, please contact the undersigned at your convenience.

Respectfully submitted,

CLIFTON BUDD & DeMARIA, LLP
Attorneys for Defendants

By:


Daniel C. Moreland (DM-2672)
Howard Rothschild (HR-6008)

DCM/vc

cc: Hollis V. Pfitsch, Esq. – Attorney for Plaintiff (via facsimile)
Howard I. Rothschild, Esq. – Co-Counsel for Defendant (via facsimile)